

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
ACHENBACH, PATRICK : Group Art Unit: 3749
Serial No. 10/529,123 : Examiner: GRAVINI, STEPHEN
Filed: Oct. 13, 2005 :
Additional Response to Paper No. Office Action dated 7/17/2007

For: DEHUMIDIFYING OF AIR WITHIN SWITCH CABINET FOR A WIND TURBINE BY MEANS OF PELTIER ELEMENT

Mail Stop
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

This letter provides a second response to a non-final Office Action mailed 7/17/2007. This letter includes a petition for a three-month extension of time for filing of a response to the Office Action per 37 C.F.R. 1.136(a) and authorizes payment of the extension fee and any other fees which may be required, from Deposit Account 070849, per the attached PTO/SB/22.

A first response to the Office Action was transmitted on October 23, 2007. The first response included arguments believed to overcome the rejections of the non-final Office Action. A copy of the first response is attached to this letter. The first response inadvertently failed to request a one month extension of time and the associated filing fee. This oversight has been corrected by the filing of the request for extension of time and payment of the extension fee.

It is believed that the submitted papers are in order for examination. An early and favorable examination is respectfully requested.

Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, please contact the undersigned at the phone number listed below.

Respectfully submitted,


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RESPONSE TO OFFICE ACTION

Examiner

In response to the Office Action mailed on July 17, 2007:

REMARKS/ARGUMENTS

Claims 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Smal (U.S. 5,168,641). Claims 23-28 are rejected under 35 U.S.C. §102(b) as being anticipated by Rickert (U.S. 3,938,348). Claims 15-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smal in view of Roethel (U.S. 1,722,825). Claims 17-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smal. Claims 21-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smal in view of Streed (U.S. 3,332,620). Claims 26-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rickert (U.S. 3,938,348). These rejections are respectfully traversed.

Claim 13 stands rejected under 35 U.S.C. §102(b) as being anticipated by Smal. Applicant respectfully submits that claim 13 is patentable over the cited reference because Smal does not disclose all of the features of the claim, and is therefore improperly applied under 35 U.S.C. §102. Lewmar Marine v. Varient Inc., 3 U.S.P.Q. 2d 1766 (Fed Cir. 1987).

Claim 13 recites:

An apparatus, comprising:

a switch cabinet for a wind turbine;

at least one circuit element coupled to the switch cabinet; and

a drying arrangement to prevent water deposition onto the at least one circuit element, the drying arrangement including **an air flow generating device to generate air flow in a region of the at least one circuit element** to counteract the water deposition onto the at least one circuit element. (Emphasis added).

Applicant respectfully submits that claim 13 requires a switch cabinet for a wind turbine and an air flow generating device. Small fails to disclose at least these features of the claim. Smal is directed to a travel hair-dryer comprising two telescopic components. The first telescopic component provides an air inlet grill 6, a motor 4 driving a blower 5 and heating coils 3. The second telescopic section includes an exit grill 8. A switch and contact 10 and 11 are provided in a groove between the telescoping sections.

The Office Action asserts that the limitation of a switch cabinet for a wind turbine is met by blower 5 (referred to as a turbine but claimed as a blower). The objects of the invention of Smal is heating to dry hair outside the telescopic enclosures. The Smal invention is a hair dryer or hair blower, it is not a wind turbine. The Smal blower (referred to as turbine) is a fan driven by a motor. A wind turbine is a clearly distinct element that is passive, and as is widely known as a device that is powered by or driven by the wind. Wind turbines are massive devices that are required to be large to harness sufficient wind energy to be economically viable (Please see attachment on wind turbines). The components of a hair blower, instead are powered to create an air flow. The components of the hair blower use energy, instead of creating energy as in a wind turbine. A practitioner of the art would not equate a hair blower with a wind turbine. As such, Smal fails to disclose a switch cabinet for a wind turbine, as required by claim 13. Therefore, for at least the above rationale, Applicants respectfully submit that Smal does not teach, suggest, or disclose the claimed invention.

However, even for the sake of argument, the blower 5 constitutes a wind turbine, then the blower 5 cannot also be used to satisfy the separate claim limitation of an air flow generating device. As such, Smal fails to disclose an air flow generating device as required by Claim 13. Therefore, for at least the above rationale, Applicants respectfully submit that Smal does not teach, suggest, or disclose the claimed invention.

Applicants respectfully submit that since Smal does not teach, suggest or disclose the features of the claimed invention, Smal cannot be applied under 35 U.S.C.

§102 and as such, the rejection must be withdrawn.

Given that the cited reference fails to disclose all of the limitations of the claim, and for the reasons cited above, Applicant respectfully submits that claim 13 is patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 13 under 35 U.S.C. 102(b) be withdrawn and that claim 13 be allowed.

Further, the Office Action asserts that dependent claims 15-17 are unpatentable over Smal in view of Roethel; claims 17-20 are unpatentable over Smal in view of obvious art; and claims 21-22 are unpatentable over Smal in view of Streed. For the above reasons, previously noted, independent claim 13 is not anticipated by Small. Neither Roethel, nor obvious art, nor Streed remedy these deficiencies.

Given that claims 14-22 depend from independent claim 13, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 14-22 are also patentable over the cited references. Accordingly, Applicant respectfully requests that the rejection of claims 14-22 under 35 USC 103(a) be withdrawn. Applicant submits that claims 13-22 are in condition for allowance and such action is respectfully requested.

Claim 23 stands rejected under 35 U.S.C. 102(b) as being anticipated by Rickert. Applicant respectfully submits that claim 23 is patentable over the cited reference because Rickert does not disclose all of the limitations of the claim. Claim 23 recites:

A method, comprising:

controlling an operational parameter of a wind turbine by at least one circuit element coupled to a switch cabinet; and

generating air flow in the internal space of the switch cabinet using an air flow generating device to counteract a deposition of condensation water onto the at least one circuit element. (Emphasis Added).

Applicant respectfully submits that claim 23 requires a circuit element and switch cabinet for a wind turbine and using an air flow generating device to counteract a deposition of condensation water onto at least one circuit element. Rickert fails to disclose at least these limitations of the claim.

Rickert is directed to a simple climate control device, which can independently or jointly cool and dehumidify a dwelling. Rickert employs a controlled cooling coil for which the temperature can be controlled. The coil may be kept at just below the dew point for condensing room air or may be used to cool room air.

The Office Action asserts that the limitation of controlling an operational parameter of a wind turbine is satisfied at Col. 3 lines 25-40. The instant section

describes airflow created by fans powered by electric motors. The object of the invention of Rickert is to control climate at a location external to the climate control box. A wind turbine is a clearly distinct and passive device that is powered by or driven by the wind. The fan components of Rickert climate control device create an air flow, but are not controlling an operational parameter of a wind turbine. As such, Rickert fails to disclose controlling an operational parameter of a wind turbine by at least one circuit element circuit element and switch cabinet for a wind turbine, as required by claim 23.

The Office Action asserts that "generating air flow in the internal space of the switch cabinet using an air flow generating device to counteract a deposition of condensation water onto the at least one circuit element" is disclosed at Col. 3, lines 41-59. However, while Rickert does describe the generation of an airflow, nowhere in Col. 3, lines 41-59 or elsewhere does Rickert disclose generating an airflow to counteract a deposition of condensation water onto the at least one circuit element. Further, Rickert does not identify any circuits within the switch box for which an airflow is generated to counteract deposition of condensation water. Instead with Rickert, the airflow is generated specifically for climate control purposes, that is to prevent condensation in the home, external to the switch box. Therefore, for at least the above rationale, Applicants respectfully submit that Rickert does not teach, suggest, or disclose the claimed invention.

Applicants respectfully submit that since Rickert does not teach, suggest or disclose the features of the claimed invention, Rickert cannot be applied under 35 U.S.C. §102 and as such, the rejection must be withdrawn.

Given that the cited reference fails to disclose all of the limitations of the claim, Applicant respectfully submits that claim 23 is patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 23 under 35 U.S.C. 102b be withdrawn.

Further, the Office Action asserts that dependent claims 26-27 are unpatentable over Rickert under 35 USC 103(a). However, the deficiencies of Rickert with respect to under underlying independent claim 23, as previously described, are not remedied.

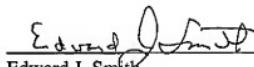
Given that claims 24-28 depend from independent claim 23, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 23-28 are also patentable over the cited references. Accordingly, Applicant requests that the rejection of claims 23-28 under 35 USC 102(b) and claims 26-27 under 35 USC 103(a) be withdrawn. Applicant submits that claims 23-28 are in condition for allowance and such action is respectfully requested.

In view of the foregoing, Applicants respectfully submit that the

application is in order for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, please contact the undersigned at the phone number listed below.

Respectfully submitted,


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